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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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AUG 23 2004

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b))	
Table of Allotments,)	MB Docket No. 02-23
FM Broadcast Stations)	RM-10359
(Keeseville, New York))	RM-10434

To: The Secretary

PETITION FOR LEAVE TO SUBMIT LATE-FILED COMMENTS

Addison Broadcasting Company, Inc. ("ABC"), the licensee of Station WXAL-FM, Addison, Vermont ("WXAL"), by its attorneys, hereby petitions for leave to submit late-filed Comments in connection with the above-referenced proceeding ("Keeseville Rulemaking"). Section 1.420 of the Commission's Rules does not ordinarily provide for the submission of comments in rulemaking proceedings outside of the official comment and reply comment pleading cycle. However, in the instant case, ABC's interests have been adversely affected by events occurring after the official pleading cycle in this rulemaking closed and a basis exists for the waiver of the rule and the acceptance of these late-filed Comments. ABC therefore respectfully requests that the Commission accept ABC's Comments so that ABC may be heard with regard to matters directly affecting its interests. In support thereof, ABC states as follows:

ABC filed an application for modification of WXAL's facilities on FM Channel 229, in File No. BPH-20030429AAE ("WXAL Application"). The WXAL Application was granted by the Commission on July 29, 2004. However, just one day later, the grant of the WXAL Application was rescinded. *Public Notice*, Report No. 25791, released August 4, 2004. ABC has

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been informed that rescission of the grant was the result of the Media Bureau's decision to withhold any consideration of the WXAL Application until matters relating to the Keeseville Rulemaking have been resolved. Specifically, two parties to the instant rulemaking, Great Northern Radio, L.L.C. ("Great Northern") and Family Broadcasting, Inc. ("Family Broadcasting"), have proposed the allotment of Channel 231 at Keeseville, New York. The WXAL Application, as currently constituted, does not protect a Channel 231 allotment at the reference point proposed by Great Northern and Family Broadcasting in their filings with the Commission.

ABC now wishes to submit Comments in the Keeseville Rulemaking to offer a solution that will allow the Commission to consider the Channel 231 allotment proposals while also permitting WXAL to proceed with its pending application. The Comments include an engineering analysis of alternative reference points for Keeseville that, if utilized by the Commission, will allow reinstatement of the WXAL Application grant and permit ABC to proceed with its efforts to provide upgraded service to the public without jeopardizing the allotment proposals set forth in the Keeseville Rulemaking for Channel 231. Accordingly, ABC submits that a substantial basis exists for the Commission accept its Comments and consider the reference coordinates specified therein. The basis is that these Comments will serve to ensure a complete record and allow WXAL to better serve the public without any material effect on the Channel 231 allotment proposals presented in the instant proceeding. See, e.g., *Crisfield, Maryland; Belle Haven, Cape Charles, Exmore, Nassawadox, and Poquoson, Virginia*, 18 FCC Rcd 19561 (2203).

WHEREFORE, Addison Broadcasting Company, Inc. respectfully requests that the Commission accept its Comments in connection with the Keeseville Rulemaking proceeding.

Respectfully submitted,

**ADDISON BROADCASTING
COMPANY, INC.**

By: 

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August 23, 2004

CERTIFICATE OF SERVICE

I, Barry A. Friedman, do hereby certify that I have, on this 23rd day of August 2004 served a copy of the foregoing "Petition for Leave to Submit Late-Filed Comments" on the following parties, by first-class mail, postage prepaid:

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